

January 20, 2009 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Tuesday, January 20, 2009 at 7:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

Councillor Robert J. Sylvia

CONSENT CALENDAR

Councillor Santos requested item number two to be heard under the rules of the Town Council.

Council President Semonelli noted that item number two will be heard after item number one, “The swearing in ceremony”.

1. Approval of Minutes – Regular Meeting, January 5, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Communication of Town Clerk, re: Names submitted for the Comprehensive Plan Update Committee.

Antone Viveiros, 110 Indian Hill Road, questioned the appointments to the committee noting he is concerned with the appointments being members of other Town boards/committees including Town Council members being appointed to said committee. Mr. Viveiros requests the Council to have the clerk to advertise for positions on this committee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and acknowledge said appointments.

On motion of Councillor Santos, duly seconded, it was voted unanimously to direct the Town Clerk to advertise for positions to the Comprehensive Plan Update Committee.

Town Planner Ronald Wolanski noted that a large amount of input is welcome and the committee is a tool in assisting the Planning board with the document. The Planning board is responsible for the

document and will ultimately be the one to complete and forward to the Council.

3. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:

- a. Marilyn Manville – Section 54, Lots 85, 86, 87, 88, 89, 90, 91 & 92**
- b. Lawrence and Susan Moretti – Section 54, Lots 80, 81, 82 & 83**
- c. Debra Nalle – Section 54, Lot 75**
- d. Leonard Stauff – Section 54, Lot 77**
- e. St. Matthews Church – Section 54, Lot 84**

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive and approve said petitions.

4. Application of Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of Bingo License for the 2009-2010 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal and waive said fee.

5. Memorandum of Town Administrator, re: Arsenic Resolution.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

TOWN COUNCIL

1. Memorandum of Fire Chief, re: Swearing in ceremony.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Fire Chief Ronald Doire announced the promotions of the following Middletown Fire Fighters members Scott A. Cutting to rank of Captain, Peter Faerber to rank of Captain, Thomas Welch as Firefighter and Robert Hargis as Firefighter. All were sworn in by the Town Clerk and pinned by family members.

2. Memorandum of Robert M. Silva, Chairman, Economic Development Advisory Committee, re: Presentation of new Economic Development Advisory Committee Website.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Robert Silva, Chairman, Economic Development Advisory Committee, noted the committee has been working on a website. Tonight they are presenting the website to the Council.

Mr. Richard M. McAuliffe, Jr., Chairman, Mayforth Group, presented the website to the Council. The website is a marketing tool which will assist Middletown in bringing more jobs and more businesses to the area. The Economic Development Advisory Committee will launch the website this evening, if the Council authorizes activation.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to endorse the new MEDAC website, and authorize its activation to allow access by the general public.

3. Memorandum of Town Administrator, with enclosures, re: Contract Extension with Mayforth Group.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said memorandum.

4. Resolution of the Council, re: Contract Extension for Mayforth Group, LLC.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

5. Public Hearing (Advertised)

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 6 – Application of District Regulations, Section 602 – Schedule of District Regulations – Use Table 6-1, “Church or other place of worship”.

Public Hearing was declared open.

There being no person present desiring to be heard on the matter, public hearing was declared closed.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

6. Memorandum of Town Administrator, with enclosure, re: Letter from Senator Louis P. DiPalma.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and schedule said meeting for February 2, 2009 at 6:00 P.M.

7. Memorandum of Town Administrator, with enclosure, re: Open Space and Field Committee Recommendations.

Antone Viveiros, 110 Indian Hill Road, noted concern with approving the Open Space Bond referendum on the November 4, 2008 ballot, the Town purchasing property and the Town spending money to develop a master plan. Mr. Viveiros thinks this project should wait.

Town Administrator Shawn Brown noted that the previous Council requested that the Open Space and Fields Committee review Town properties. The objective of the plan is not to develop the land, but to consider developing long-term goals for Town properties.

Mason Hawes, Chairman, Middletown Open Space and Fields, 431 Reservoir Road, addressed the Council noting he concurs with Mr. Brown. Mr. Hawes noted that Middletown is rich with land and a Master Plan is a wise move. The second issue Mr. Hawes addressed was the billboards noting that the billboards bring in a significant amount of money however, do not enhance the character of the Town.

Ted Clement, Executive Director, Aquidneck Land Trust, 790 Aquidneck Avenue, addressed the Council expressed his support for removing the billboards.

Councillor Santos noted her dislike of the billboards, questioned if the Town leases them and the cost of removal including where the money will come from.

Town Administrator Shawn Brown noted that the billboards are paying month to month; he will look into removal costs, most likely the money to remove them will come from the Parks and Recreation fund. Mr. Brown also noted that the billboards do not concur with the Town's current comprehensive plan.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to accept the Town Administrator's recommendation, authorize the Town Administrator to seek bids to prepare a master plan and to authorize the Town Administrator to proceed with the research and planning necessary to remove the billboards on East Main Road

8. Communication of Antone C. Viveiros, 110 Indian Hill Road, re: Request to discuss Town Charter Section 1008, Planning Board.

Antone Viveiros, 110 Indian Hill Road, questioned if charter section 1008 Planning Board terms apply to all other Town boards/committees.

Town Solicitor Michael Miller, responding to Mr. Viveiros, noted that charter section 1008 is specific to the Planning Board.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said communication.

9. Memorandum of Town Administrator, with enclosure, re: Request to appoint a non-voting member to the School Department Budget Subcommittee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously appoint Councillor VonVillas as a non-voting member to the School Department Budget Subcommittee.

10. Appointment of Tree Warden for the 2009 calendar year.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to reappoint Alan Kirby, 15 Ward Avenue, as Tree Warden for the 2009 calendar year.

11. Appointment of three (3) members to the Beach Commission for a term expiring January 2011.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to open nominations.

Councillor Santos nominated David Leys, Morrie William Seiple and Rian M. Wilkinson.

Councillor VonVillas noted her concerns that the Beach Committee appointed the Beach Manager. Ms. VonVillas requests that the Town's attorney review the action of the previous Council. She also noted concerns that board vacancies be staggered; with what she perceives as conflict of interest, and with the process of appointments to boards/committees. Councillor VonVillas requests

the Council approve a subcommittee of the Council for appointing members to boards/committees.

There being no other nominations, and on motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to close nominations.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint David Leys, Morrie William Seiple and Rian M. Wilkinson to the Beach Commission for a terms expiring January 2011.

12. Appointment of three (3) members to the Economic Advisory Committee one term expiring January 2013 and two terms expiring January 2014.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to open nominations.

Councillor Santos nominated Joseph A. Cirillo, Robert A. Connerney and Liana Ferriera Fenton.

There being no other nominations, and on motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to close nominations.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint Joseph Cirillo to the Economic Advisory Committee for a term expiring January 2013.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint Robert Connerney to the Economic Advisory Committee for a term expiring January 2014.

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Liana Ferreira Fenton to the Economic Advisory Committee for a term expiring January 2014.

13. Appointment of one (1) member to the Information Technology Committee for a term expiring September 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Morris Hirsch to the Information Technology Committee for a term expiring September 2009.

14. Appointment of six (6) members to the Roads/Utilities Advisory Committee for a term expiring January 2012.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to open nominations.

Councillor Santos nominated as Professional members Thomas Darby, John A. Marshall, Sr., John R. Mello, Jr., Julian F. Peckham, III, nominated as Resident members John Mello and Julian Peckham IV.

There being no other nominations, and on motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to close nominations.

Discussion centered around staggering the appointments of the members.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint Thomas A. Darby as a Professional Member of the Roads/Utilities Advisory Committee for a term expiring January 2011.

On motion of Councillor Santos, duly seconded, it was voted

unanimously to reappoint John A. Marshall, Sr. as a Professional Member of the Roads/Utilities Advisory Committee for a term expiring January 2011.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint John R. Mello, Jr. as a Professional Member of the Roads/Utilities Advisory Committee for a term expiring January 2012.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint Julian F. Peckham, III as a Professional Member of the Roads/Utilities Advisory Committee for a term expiring January 2012.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint John Mello as a Resident Member of the Roads/Utilities Advisory Committee for a term expiring January 2011.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint Julian F. Peckham, IV as a Resident Member of the Roads/Utilities Advisory Committee for a term expiring January 2011.

On motion of Councillor Santos, duly seconded, it was voted unanimously to add two additional resident members to the Roads/Utilities Advisory Committee for a term to expire in three years and direct the Clerk to advertise for said positions.

Art Benner, 3 Namquid Drive, noted that he thought that the last Council did not address the information supplied by the Roads and Utilities Committee however, he does believe that the current Council will receive their thoughts. Mr. Benner noted that this committee is the best run in the Town of Middletown.

15. Appointment of two (2) members to the Zoning Board of Review one regular member to complete a term expiring April 2014 and one first alternate to complete a term expiring April 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to open nominations.

Councillor Bozyan nominated Stephen MacGillivray as a regular member.

Council President Semonelli nominated Frank Flanagan as first alternate.

There being no other nominations, and on motion of Councillor Bozyan, duly seconded, it was voted unanimously to close nominations.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Stephen McGillivray as a Regular Member to the Middletown Zoning Board of Review to complete a term expiring

April 2014 and to appoint Frank Flanagan as 1st Alternate to the Middletown Zoning Board of Review to complete a term expiring April 2009.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council at this session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:45 P.M.

Wendy J.W. Marshall, CMC

Council Clerk